

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TENNENBAUM CAPITAL PARTNERS, LLC	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	No.: 09-MC-194
	:	
MICHAEL T. KENNEDY,	:	
Defendant.	:	

ORDER

AND NOW, this 7th day of September, 2018, upon consideration of Tennenbaum Capital Partners, LLC's Motion to Compel Production of Documents (ECF No. 282), Michael T. Kennedy's Response in opposition thereto (ECF No. 283), and Tennenbaum Capital Partners, LLC's Reply in further support thereof (ECF No. 288), and for the reasons set forth in the memorandum filed concurrently with this Order, it is hereby ORDERED that the motion is GRANTED. It is FURTHER ORDERED as follows:

1. Within THIRTY DAYS of this order, Michael T. Kennedy shall produce to Tennenbaum Capital Partners, LLC any and all existing documents which are responsive to each request in Tennenbaum Capital Partners, LLC's Request for Production of Documents attached to the May 19, 2017, Notice of Deposition.

2. Within THIRTY DAYS of this order, Mr. Kennedy shall produce to Tennenbaum Capital Partners, LLC any and all existing documents which he has in his possession, custody, or control as defined in Federal Rule of Civil Procedure 34(a)¹ that refer or relate to any "Turner" entities, regardless of entity designation (including, but not limited to, LLC, LLP, LP, and GP), and regardless of Mr. Kennedy's alleged ownership interest.

¹ "In the Rule 34 context, control is defined as the legal right to obtain required documents on demand." *Mercy Catholic Med. Ctr. v. Thompson*, 380 F.3d 142, 160 (3d Cir. 2004) (internal citations omitted).

3. Within THIRTY DAYS of this order, Mr. Kennedy shall produce to Tennenbaum Capital Partners, LLC, any and all existing documents which he has in his possession, custody, or control as defined in Federal Rule of Civil Procedure 34(a) that refer or relate to any “Veracen” entities, regardless of entity designation (including, but not limited to, LLC, LLP, LP, and GP), and regardless of Mr. Kennedy’s alleged ownership interest.

4. Within THIRTY DAYS of this order, Mr. Kennedy shall produce to Tennenbaum Capital Partners, LLC, any and all existing documents which he has in possession, custody, or control as defined in Federal Rule of Civil Procedure 34(a) that refer or relate to any “Trinity” entities, regardless of entity designation (including, but not limited to, LLC, LLP, LP, and GP), and regardless of Mr. Kennedy’s alleged ownership interest.

5. Within THIRTY DAYS of this order, Mr. Kennedy shall produce to Tennenbaum Capital Partners, LLC, any and all existing documents which he has in possession, custody, or control as defined in Federal Rule of Civil Procedure 34(a) that refer or relate to any and all transfers of assets, monies, and property from Mr. Kennedy’s ownership to any person, business entity, or trust.

6. Within THIRTY DAYS of this order, Mr. Kennedy shall produce to Tennenbaum Capital Partners, LLC, any and all existing documents which he has in possession, custody, or control as defined in Federal Rule of Civil Procedure 34(a) that refer or relate to any and all transfers of assets, monies, and property to Mr. Kennedy’s ownership from any person, business entity, or trust.

7. Within THIRTY DAYS of this order, Mr. Kennedy shall produce to Tennenbaum Capital Partners, LLC, any and all existing documents which he has in possession, custody, or control as defined in Federal Rule of Civil Procedure 34(a) that refer or relate to any and all

business entities, regardless of designation (including, but not limited to, LLC, LLP, LP, and GP), in which Mr. Kennedy has any direct ownership interest.

8. Within THIRTY DAYS of this order, Mr. Kennedy shall produce to Tennenbaum Capital Partners, LLC, any and all existing documents which he has in possession, custody, or control as defined in Federal Rule of Civil Procedure 34(a) that refer or relate to any and all business entities, regardless of designation (including, but not limited to, LLC, LLP, LP, and GP), in which Mr. Kennedy has any indirect ownership interest.

BY THE COURT:

/s/ Lynne A. Sitarski
LYNNE A. SITARSKI
United States Magistrate Judge